

Agricultural Marketing Service, USDA

§ 1138.7

Taos, Torrance, Union and Valencia, all in the State of New Mexico, and El Paso in Texas.

Zone 2: Following counties—Archuleta, LaPlata and Montezuma in Colorado, and Chaves, Eddy, Lea and San Juan in New Mexico.

Zone 3: Following counties—Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler and Yoakum, all in the state of Texas.

§ 1138.3 Route disposition.

Route disposition means any delivery to a retail or wholesale outlet (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of any fluid milk product classified as Class I milk.

§ 1138.4 Plant.

Plant means the land, buildings, facilities and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1138.5 Distributing plant.

Distributing plant means any plant: (a) Approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption.

(b) In which fluid milk products are processed or packaged; and

(c) From which there is route disposition in the marketing area during the month.

§ 1138.6 Supply plant.

Supply plant means a plant approved by a duly constituted regulatory agency for the handling of milk approved

for fluid consumption from which fluid milk products are transferred to a distributing plant(s) during the month.

§ 1138.7 Pool plant.

Pool plant means: (a) A distributing plant: (1) From which during the month there is total route disposition (except filled milk) in an amount not less than 50 percent of the total quantity of fluid milk products (except filled milk) received at such plant, including producer milk diverted from the plant, and not less than 10 percent of such receipts are disposed of as fluid milk products on routes in the marketing area; or

(2) Located in the marketing area that qualifies pursuant to paragraph (a)(1) of this section so long as this order's Class I price applicable at such plant location is not less than an order's Class I price applicable at the same location even though the plant may meet the pooling requirements of the other Federal order and have greater route disposition in the other marketing area than in the New Mexico-West Texas marketing area.

(b) A supply plant from which during the month not less than 50 percent of the total quantity of milk that is received from dairy farmers (including producer milk diverted from the plant pursuant to § 1138.13, but excluding milk diverted to such plant) and handlers described in § 1138.9(c) is transferred to plants described in paragraph (a) of this section, subject to the following. A supply plant that has qualified as a pool plant during each of the immediately preceding months of September through January shall continue to qualify in each of the following months of February through August.

(c) Any plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested by the cooperative association and 35 percent or more of the producer milk of members of the cooperative association (and any producer milk of nonmembers and members of another cooperative association which may be marketed by the cooperative association) is physically received during the month in the form of bulk fluid milk products at plants specified in paragraph (a) of this